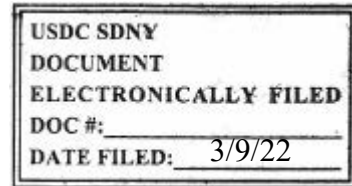


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



George Ortiz,

Plaintiff,

—v—

Commissioner of Social Security,

Defendant.

20-cv-5715 (AJN) (SN)

ORDER

ALISON J. NATHAN, District Judge:

Before the Court is Judge Netburn’s Report & Recommendation dated January 25, 2022, recommending that the Court grant the Plaintiff’s motion for judgment on the pleadings pursuant to Rule 12(c) and deny the Commissioner’s cross-motion. Dkt. No. 27.

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no timely objections to the Report & Recommendation. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB)

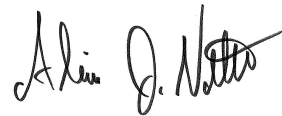
(MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

Objections to Judge Netburn's Report & Recommendation were due by February 8, 2022. *See* Dkt. No. 27 at 17. As of the date of this Order, no objections have been filed. The Court thus reviews the Report & Recommendation for clear error, and finds none.

The Court therefore adopts the Report & Recommendation in its entirety and GRANTS Plaintiff's motions for judgment on the pleadings, Dkt. No. 20, DENIES the Commissioner's motion, Dkt. No. 22, and REMANDS this case for further administrative proceedings on the grounds described by Judge Netburn. The Clerk of Court is respectfully ordered to close this case.

SO ORDERED.

Dated: March 9, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written above a horizontal line.

ALISON J. NATHAN
United States District Judge